THE 19TH ANNUAL REPORT

OF THE CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1 - DECEMBER 31, 1990

Administered by the
Workers' Compensation
Board of British Columbia
for the Ministry of the
Solicitor General

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91-05191/

THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Ivan Messmer
Solicitor General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

Copies of this report may be obtained from:

The Honourable Ivan Messmer
Solicitor General
Parliament Buildings
Victoria, B.C.

or from:

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SPEAKER'S OFFICE
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VICTORIA, B.C.

28 February 1991

TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1990 to 31 December 1990.

Yours respectfully,

Bill Greer

F.W. Greer

Acting Chairman

Workers' Compensation Board

Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1, 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of the commission of any one of 50 criminal offences set out in the schedule of the Act or where the injury or death resulted while a person was trying to arrest an offender, prevent the commission of a crime or render assistance to a peace officer.

The legislation applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

3,957 new applications were received during the year, which when added to the 1,399 applications carried forward from the previous year, presented 5,356 claims for consideration and decision: of that number 3,345 applications were disposed of leaving 2,011 cases to be carried forward to the following year. Since the Act has been in force the Board has received a total of 23,550 applications.

Application forms are available to claimants at all Workers' Compensation Board offices located throughout the Province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 19 to 24. Three decisions on actual claims have also been reproduced on pages 14 to 18 to illustrate the general format of the decision as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Board may grant compensation in the form of a lump sum payment and /or a periodic award. The maximum lump sum payment that can be awarded in respect of the injury or death of one victim, is $50,000.00. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by Section 13 of the Act. The Board is precluded from awarding compensation where the amount payable is less than $100.00.

Compensation may be awarded for: (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; (b) pecuniary loss or damages incurred by the victim as a result of total or partial disability affecting the victim's capacity for work; (c) pecuniary loss incurred by dependants as a result of the victim's death; (d) maintenance of a child born as a result of rape; (e) replacement or repair of broken or damaged artificial applicances, clothing, eyeglasses, dentures and hearing aids; and (f) other pecuniary loss or damages including and reflecting intangible elements such as pain and suffering, loss of amenities, loss of life expectancy, etc. The Board has regard to court awards and awards granted by other jurisdictions in determining the amount of compensation to be awarded in this latter category.

Compensation may also be granted for funeral and burial expenses where such expenditures are not provided for under an Act of Canada or the Province. The Board may also furnish or provide medical, surgical, hospital, nursing and other care or treatment, transportation, medicines, crutches and apparatus, including artificial members and other rehabilitative measures to victims of crime in addition to the other compensation provided by the Act.

A total of $11,703,884 was paid out in compensation awards in 1990. Of that total $9,464,516 was awarded in the form of lump sum payments and $2,239,368 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation a total of $59,447,243 has been paid out in compensation awards.

The Province is responsible for paying all compensation and costs but, pursuant to a cost sharing agreement, which has been in effect since January 1, 1973, it recovers from the Government of Canada, except for administration costs, 25 cents per capita of the population of the Province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1990 the contribution by the Federal Government amounted to $763,900 or 25 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1989.

PUBLICATIONS

The experience of the Board, as well as the experience of other jurisdictions having similar compensation programs, has shown that the success of the Act depends to a large extent on informing the public of its existence. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, victim/witness agencies, and the news media, among others.

During the past year the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding the compensation awards continue to be sent to every newspaper, radio and television station in the Province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board has experienced a tremendous increase in claims volume in recent years with the workload increasing by 24% annually in the past three years. 3,345 cases were adjudicated and finalized during the year. Awards were granted in 2,637 of these cases. 441 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were disallowed. 267 applications were not proceeded with by applicants.

Sexual offences were the most common type of crime involved. Of the 2,637 awards that were granted during the year, 1,589 or approximately 60% of these involved sexual offences. These offences include cases involving the sexual abuse of children, in which there was a further and dramatic increase in applications in the past year. There were some 831 cases involving other assaults and this was the next most frequent category of crime (32%).

The expenditures for the year amounted to $12,474,913. Administration costs amounted to $771,029 or approximately 7% of that total. Additional details of these expenditures are contained on page 10 of this report.

ACKNOWLEDGEMENTS

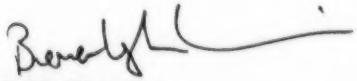
The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer workers and various other persons and associations for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

Respectfully submitted,

F.W. Greer
Acting Chairman

J.M. Nutter
Commissioner



B.M. Korman
Commissioner

E.W. Wood
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-88	1989	1990	Total to Date
Applications received	16,424	3,169	3,957	23,550
Number of awards granted	11,475	2,501	2,637	16,613
Awards paid	$39,529,949	$8,213,410	$11,703,884	$59,447,243

SUMMARY OF APPLICATIONS AND DISPOSITIONS

January 1, 1990 to December 31, 1990	
Applications carried forward from prior years	1,399
Applications received in 1990	3,957
	5,356

Disposition of Applications:	
a) Applications allowed - awards granted	2,637
b) Applications denied - awards to applicants not allowed	441
c) Applications withdrawn/abandoned	267
d) Applications carried forward to 1991	2,011
	5,356

Summary of awards:	
(a) Number of lump sum awards granted in 1990	2,583
(b) Number of periodic awards granted in 1990	54
(c) Lump sum payments	$9,464,516
*(d) Periodic payments	2,234,368
	$11,703,884

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

BREACH OF DUTY IE. EXPLOSIVES	1
CAUSING BODILY HARM BY EXPLOSIVES SUBSTANCES	1
DANGEROUS USE OF FIREARMS	14
COMMON NUISANCE CAUSING HARM	7
FAILURE TO PROVIDE NECESSARIES	3
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	7
MURDER	42
MANSLAUGHTER	6
ATTEMPTED MURDER	28
SEXUAL TOUCHING OF PERSON UNDER 14	819
INVITE SEXUAL TOUCHING OF PERSON UNDER 14	6
SEXUAL EXPLOITATION OF YOUNG PERSON	228
INCEST	4
CAUSING BODILY HARM WITH INTENT	1
ABDUCTION OF PERSON UNDER 14	2
HOSTAGE TAKING	6
ASSAULT CAUSING BODILY HARM	1
KIDNAPPING	1
ASSAULT	530
ASSAULT WITH WEAPON OR CAUSING BODILY HARM	242
AGGRAVATED ASSAULT	57
UNLAWFULLY CAUSING BODILY HARM	2
ROBBERY	74
SEXUAL ASSAULT	513
SEXUAL ASSAULT WITH WEAPON, THREATS TO THIRD PARTY OR CAUSING BODILY HARM	15
AGGRAVATED SEXUAL ASSAULT	4
INTIMIDATION BY VIOLENCE	16
ARSON	3
ASSISTING A PEACE OFFICER	1
PREVENTING A CRIME	2
	2,637

SUMMARY OF EXPENDITURES
For the year ended 31 December 1990

Claims costs:		
Awards paid	$12,474,913	
Administration Costs:		
Salaries and payroll	$737,297	
Occupancy and other service costs	69,120	
Travel and field investigations	24,733	
Communications	12,823	
Equipment	39,066	
Supplies and stationery	15,719	
Miscellaneous (Investigations, Memberships, Building & Services)	7,846	
Consulting Fees	10,736	
Publications	3,163	
Less Third Party recoveries	(149,474)	771,029
Total Expenditure		11,703,884

APPLICATIONS BY AREA

ABBOTSFORD	65
AGASSIZ	7
AHOUSAT	1
AIYANSH	3
ALDERGROVE	17
ALERT BAY	6
ALEXIS CREEK	4
ARMSTRONG	6
ASHCROFT	2
BADGER LAKE	1
BEAR FLAT	1
BELLA COOLA	1
BLACK CREEK	1
BLUE RIVER	1
BOSTON BAR	2
BOWEN ISLAND	3
BOWSER	1
BRACKENDALE	4
BRENTWOOD BAY	3
BRIDGE RIVER	4
BRISCO	2
BURNABY	137
BURNS LAKE	14
CAMPBELL RIVER	57
CANIM LAKE	1
CARMI	1
CASTLEGAR	9
CEDAR	1
CHASE	5
CHEMAINUS	7
CHETWYND	11
CHILLIWACK	58
CLEARBROOK	27
CLEARWATER	8
CLOVERDALE	9
COAL HARBOUR	1
COBBLE HILL	2
COLWOOD	14
COMOX	7
COOMBS	3
COQUITLAM	82
CORTES ISLAND	1
COURTENAY	47
COWICHAN LAKE	5
CRANBROOK	14
CRESTON	2
CUMBERLAND	7
DAWSON CREEK	14
DEASE LAKE	1
DEEP COVE	1
DELTA	50
DEROCHE	5
DUNCAN	33
EDGEWATER	1
ENDERBY	3
ERRINGTON	2
ESQUIMALT	14
FALKLAND	1
FERNIE	2
FOREST GROVE	1
FORT FRASER	3
FORT LANGLEY	1
FORT NELSON	4
FORT ST. JAMES	19
FORT ST. JOHN	15
FRASER LAKE	2
GABRIOLA ISLAND	11
GALIANO ISLAND	1
GANGES	3
GIBSONS LANDING	8
GILLIES BAY	1
GISCOME	1
GOLD RIVER	2
GOLDEN	3
GOOD HOPE LAKE	1
GRAND FORKS	5
GRANISLE	3
HARRISON HOT SPRINGS	4
HARRISON LAKE	1
HARTLEY BAY	1
HATZIC	1
HAZELTON	5
HEDLEY	1
HONEYMOON BAY	2
HOPE	25
HORNBY ISLAND	2
HOUSTON	6
HUNTERS RANGE	1
INVERMERE	3
JAMES ISLAND	11
JORDAN RIVER	1
KAMLOOPS	62
KELLY LAKE	1
KELOWNA	123

KEREMEOS	2
KIMBERLEY	2
KINCOLITH	2
KISPIOX	1
KITIMAT	13
KLEMTU	1
KNOCKHNOLT	1
LADNER	4
LADYSMITH	13
LANG BAY	1
LANGFORD	7
LANGLEY	62
LANTZVILLE	2
LASQUETI	1
LIARD HOT SPRINGS	1
LILLOOET	14
LOGAN LAKE	1
LONE BUTTE	2
LUMBY	2
LYTTON	4
MACKENZIE	5
MAPLE RIDGE	81
MASSET	1
MATSQUI	24
MCLEOD LAKE	1
MERRITT	20
MERVILLE	1
METCHOSIN	1
MILL BAY	2
MIRACLE BEACH	1
MISSION CITY	54
MORICETOWN	7
MOUNT CURRIE	17
MOUNT STEVENSON	2
NAKUSP	2
NANAIMO	190
NANOOSE BAY	4
NARAMATA	1
NAZKO	1
NELSON	16
NESS LAKE	1
NEW HAZELTON	5
NEW WESTMINSTER	85
NORTH VANCOUVER	79
OAK BAY	1
OLIVER	5
OSOYOOS	4
OYAMA	1
PARKSVILLE	25
PAVILION	1
PEACHLAND	2
PEMBERTON	1
PENTICTON	51
PITT MEADOWS	7
PORT ALBERNI	45
PORT ALICE	2
PORT CLEMENTS	1
PORT COQUITLAM	18
PORT EDWARD	1
PORT HARDY	12
PORT MCNEILL	5
PORT MOODY	14
PORT SIMPSON	2
POUCE COUPE	1
POWELL RIVER	40
PRINCE GEORGE	187
PRINCE RUPERT	20
PRINCETON	8
PRITCHARD	2
QUADRA ISLAND	4
QUALICUM BEACH	5
QUEEN CHARLOTTE	5
QUESNEL	32
QUILCHENA	2
QUINSAM	1
RADIUM	1
REID ISLAND	1
RENATA	1
REVELSTOKE	7
RICHMOND	75
RISKE CREEK	2
ROBERTS CREEK	1
ROSEDALE	1
ROSSLAND	4
ROYSTON	1
RUBY CREEK	1
RUPERT IN	3
RUSKIN	1
RUTLAND	1
SAANICH	34
SAANICHTON	1
SALMO	1
SALMON VALLEY	2
SALT SPRING ISLAND	3
SARDIS	6
SATURNA	1

SAYWARD	2
SECHELT	13
SETON PORTAGE	1
SHALALTH	1
SHAWNIGAN LAKE	5
SHEARWATER	1
SHELLEY	1
SICAMOUS	10
SIDNEY	8
SMITHERS	19
SOOKE	14
SORRENTO	1
SPARWOOD	3
SPENCES BRIDGE	2
SQUAMISH	8
STEVESTON	1
STEWART	2
STRATHNAVER	1
SUMMERLAND	4
SURREY	236
TACHIE	1
TAHSIS	2
TELKWA	1
TERRACE	37
THETIS ISLAND	1
TOFINO	2
TRAIL	2
TUMBLER RIDGE	5
UCLUELET	6
UNCHA CREEK	1
VALEMOUNT	10
VANCOUVER	653
VANDERHOOF	6
VAVENBY	3
VEDDER CROSSING	1
VERNON	50
VICTORIA	241
WELLS	2
WEST VANCOUVER	12
WESTBANK	5
WESTHOLME	2
WHALLEY	6
WHISTLER MOUNTAIN	3
WHITE ROCK	17
WIDGEON LAKE	1
WILLIAMS LAKE	20
WILLOW RIVER	2
WINFIELD	8
WINTER CREEK	1
WINTER HARBOUR	1
YARROW	3
YOUBOU	1
100 MILE HOUSE	10
	3,957

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims.

ILLUSTRATION NO. 1

On January 8, 1989 at approximately 1:00 a.m., the claimant, then 44, was without warning or apparent provocation shot by another man at a private residence in Vancouver, B.C. The shooting occurred following a game of crib. The man responsible for the shooting was subsequently charged with attempted murder and assault with a weapon.

The claimant received hospital emergency treatment for injuries described as a gunshot wound to the chest and abdomen, causing injury to the left lobe of the liver, stomach, spleen, diaphragm and left lobe of the lung. He underwent surgery for a thoraco-abdominal laparotomy and subsequently, a splenectomy. The claimant made a gradual recovery and was discharged from hospital approximately three weeks later. Since that time, he has been examined by a Board doctor on two different occasions, with the last examination being conducted on October 4, 1989. This examination revealed that the victim has now fully recovered from his multiple gunshot wounds to the chest and abdomen without disability. His coronary artery disease, which may have been aggravated and made symptomatic secondary to the trauma and the surgery and his post-operative recovery, is currently under control with medication. He has a moderately large-sized ventral hernia most apparent in the supine position with the head flexed. A potential sequel is the reopening of the sinus of the entry wound.

The claimant was self-employed as a handyman at the time of this incident, working as a carpenter, gardener and landscaper. He indicates that he was between jobs and was receiving UIC benefits at the time he sustained his injuries. He incurred a number of miscellaneous expenses as a result of the incident, including eyeglass repair, drug prescriptions, transportation and clothing damage repair or replacement.

The Criminal Injury Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. There is considered to be sufficient evidence to conclude that the claimant is a victim of crime within the meaning of the Act and is entitled to compensation for the injuries sustained in this incident. An award of $264.28 is assessed with respect to the above-noted items of damage and expenditure. Taking into consideration the nature of the injuries sustained, pain and suffering and its duration, the loss of wages or income that may have been incurred as a result of his injuries, the residual abdominal scar remaining, future sequelae, the inconvenience occasioned by the injuries along with all other facts and circumstances of this case, an additional award of $22,000.00 is assessed to compensate the claimant in that respect (an interim award of $7,500.00 must be deducted from the above assessment).

AWARD: $14,764.28

ILLUSTRATION NO. 2

On September 18, 1989 at approximately 2:00 a.m. the claimant, then age 31, and his male friend were involved in an altercation with two other men at a convenience store in Surrey, B.C. Police investigation revealed that the claimant and his male friend were under the influence of alcohol on the night in question and had become involved in a fight with both these men following an argument. No criminal charges were laid in connection with this incident as the evidence indicated that both parties to this altercation were equally to blame.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including the behaviour of the victim that may have directly or indirectly contributed to his or her injury, in determining whether to award compensation and the amount thereof. Taking into consideration that no criminal charges were laid in connection with this incident and having regard to all other facts and circumstances surrounding this case, it cannot be concluded that the claimant is entitled to any benefits under the provisions of the Act. There would appear to be insufficient evidence to permit the conclusion that he is a victim of crime within the meaning of the Act. It is to be noted that the claimant was under the influence of alcohol on the night in question and would appear to have been a voluntary participant in the altercation that occurred. It is considered that he has contributed to his injuries within the meaning of the above noted section of the Act. Even if it could be concluded that he is a victim of crime within the meaning of the Act, the claimant's contribution towards his injuries is considered to be of sufficient degree as to disentitle him to any award of compensation.

NO AWARD

ILLUSTRATION NO. 3

On or about September 21, 1988, the claimant, then age 24, sustained fatal injuries when attacked and beaten by a male person in the area of a parking lot in Esquimalt, B.C. An accused awaits trial on a charge of murder.

An application for benefits was received from the office of the Public Trustee on behalf of the deceased's three infant children for loss of support.

The deceased was not employed at the time of her death. It is noted that the deceased was a long-term social assistance recipient with no known work history. She had supported her children by way of social assistance benefits and apparently had no immediate employment prospects.

The deceased was a victim of crime within the meaning of the Act. There is considered to be sufficient evidence from which to conclude that the children had been dependent upon their mother for support prior to her death. While she had been on social assistance benefits, there may have been some prospects of an eventual opportunity for employment, particularly given her age. It is accordingly determined that there has been some loss of pecuniary benefit on the part of the children as a result of the deceased's death. They are considered to be dependents within the meaning of the Act. Dependents are entitled to compensation for pecuniary loss occasioned by the deceased's death. No award can be made under the Act with respect to inconvenience occasioned by the death or for sorrow, pain and suffering or bereavement.

Taking into consideration the pecuniary loss that may have been occasioned as a result of the deceased's death by each of the children, a periodic award of $250.00 per month is assessed to compensate each of the children in that respect. The award is payable to the office of the Public Trustee in trust for each of the dependents until they attain the age of 18 years and continuing thereafter only for the duration they continue regularly to attend an academic, technical or vocational school until attaining the age of 21 years. These awards will be subject to future cost of living adjustments.

EXAMPLES OF ALLOWED CLAIMS

892168 A 22-year-old female was allegedly attacked, abused and sexually assaulted by two male youths in an alley in Vancouver, B.C. Criminal charges have not been laid as the assailants have not been identified or apprehended. Victim is mentally handicapped and required conservative hospital emergency treatment on one occasion. She was subsequently hospitalized for six days for observation for injuries described as traumatic stress syndrome characterized by a state of mental anxiety. Victim's anxiety symptoms relatable to this incident are considered to have since subsided. AWARD: $3,600.00 (pain and suffering, etc.).

891718 A 61-year-old male was attacked and severely beaten by a male wielding a club or baseball bat during a robbery of a store in Vancouver, B.C. Culprit was convicted of criminal charges including robbery. Victim suffered multiple injuries including contusions and lacerations of the head, face, scalp and right ear and numerous skull fractures. He was hospitalized for approximately two weeks and required surgery to repair one fracture. Victim has recovered from the incident but reports continued discomfort in his right arm as well as occasional headaches and greatly reduced senses of smell and taste. AWARD: $12,110.00 (clothing damage -- $110.00, pain and suffering, etc. -- $12,000.00).

89528 An 18-year-old male received two gunshot wounds to the head when shot by a male acquaintance at a location in Sooke, B.C. Culprit was charged with dangerous use of a firearm. Victim required emergency surgery and hospitalization for 15 days for gunshot wounds to the skull causing hematoma and hemmorhage. The incident left claimant unable to move his lower legs for several weeks. Victim was subsequently transferred to a rehabilitation facility for 65 days. He has since shown considerable but slow progress toward recovery, with some limitations to stamina and marked weakness in one leg. AWARD: $27,000.00 (loss of wages, pain and suffering, etc.).

90505 A 30-year-old female sustained multiple injuries when she was evidently deliberately struck and dragged along a roadway in Kelowna, B.C. by a male driving a vehicle. Culprit, who appeared to be under the influence of alcohol, has not been identified or apprehended. Victim suffered multiple abrasions to her hands, wrist, knee and hip. She received conservative treatment at hospital and is now considered to have made good recovery, although left with some residual scarring and tenderness in the areas of her abrasions. AWARD: $4,735.00 (clothing damage -- $185.00, transportation expense -- $50.00, pain and suffering, etc. -- $4,500.00).

901186 A female victim sustained facial injuries when she was assaulted by her husband during a dispute in Winfield, B.C. Offender was arrested and charged with assault causing bodily harm. Victim required hospital attention for an injury to her right eye which was swollen shut and suspected fracture of the cheekbone. Additional mental and emotional distress has also been acknowledged on the part of the victim and her son, age 12, on the basis that the child has witnessed past incidents of abuse against his mother. Victim has not required further medical care as a result of this incident, but is engaged in an ongoing program of psychotherapy with her son. AWARD: $3,250 (psychotherapy -- $720.00, pain and suffering, etc. -- $2,800.00). Provision also made for coverage of psychotherapy as may be required in future by the victim and her son.

891377 A 47-year-old male was attacked and struck in the head after a substance was thrown into his eyes by one or more assailants who broke into his trailer in Blue River, B.C. Culprits have not been identified or apprehended. Victim required emergency hospital treatment and subsequent care for a head injury with neurological damage, along with damage to his memory and hearing. Secondary phobic reaction also resulted. Victim has made reasonably good recovery but is left with a functional hearing impairment resulting from the blow to his head and may benefit from a hearing aid. AWARD: $16,000.00 (loss of earnings -- $2,000.00, pain and suffering, etc.-- $14,000).

90576 A 71-year-old female was attacked and thrown to the ground in an attempted purse snatching by an assailant in a parking lot in Surrey, B.C. Culprit has not been identified or apprehended. Victim required emergency hospital attention for treatment of contusions to the right shoulder, right chest and ribs as well as a laceration to the right elbow. Subsequent follow-up by a physician resulted in the prescription of physiotherapy for a frozen right shoulder. Victim has made a reasonably good recovery although suffers from a residual state of anxiety. AWARD: $3,200.00 (pain and suffering, etc.).

901052 Application is made on behalf of a 6-year-old boy for injuries sustained as a result of physical abuse and neglect at his home in Kelowna, B.C. Police investigation resulted in charges against the victim's stepfather for assault causing bodily harm and an apprehension of the child by the Ministry of Social Services and Housing. Several incidents of injury to the victim have been recorded over a period of three years, including multiple bruising and lacerations, a broken leg, and evidence of a broken rib which was not medically treated. Victim was also notably undernourished and underweight and traumatized to the point where ongoing therapy will be required. Reports indicate that mother and son are also not emotionally close and that the mother is considered partially responsible for the abuse and neglect. Victim has been living in a foster care situation since his apprehension and further counselling may be needed. AWARD: $1,020.00 (therapy costs -- $1,020.00), plus provision for coverage of future psychotherapy as may be required by the victim.

871566 A 26-year-old male sustained multiple injuries when he was shot by an emotionally distraught ex-roommate outside his residence in Surrey, B.C. Offender was subsequently charged with attempted murder and aggravated assault. Victim's injuries included perforations of the right colon, distal small bowel, and right ureter, segmental destruction of the external iliac artery, perforation of the antrum of the stomach and neuropraxia of the leg. Subsequent addiction to medication has resulted and victim has since experienced further pancreas problems which may require additional surgery. No significant improvement is anticipated in victim's residual conditions and he is considered to be totally disabled. AWARD: $1,000.00 per month until death. (loss of wages, pain and suffering, etc).

901005 A 20-year-old female sustained injuries as a result of ongoing harassment over a period of six years by an acquaintance in Prince George, B.C. Incidents include repeated telephone calls and following of the victim at home and school. Culprit has been charged and convicted and ordered to stay away from victim. Victim suffers from frequent gastroenteritis which resulted in nine hospital visits and is thought to be influenced by the emotional and mental distress related to the situation. Victim may benefit from counselling. AWARD: $5,100.00 (lost wages -- $100.00, pain and suffering, etc. -- $5,000.00). Provision made for coverage of future psychotherapy costs necessitated by the incidents.

901554 Application is made on behalf of a female victim, age 15, in respect to an incident of hijacking in Prince George, B.C. The incident involved the hostage-taking of approximately 16 students on a school bus by culprits carrying guns. Victim is considered to have suffered emotional distress and may benefit from a program of psychotherapy. AWARD: $500.00 (pain and suffering, etc.). Provision also made for coverage of psychotherapy as may be required by the victim.

90449 Application is made on behalf of a 31-year-old male who sustained fatal injuries in an apparent contract killing by two men at a private residence in Mission, B.C. Culprits have since been charged with murder. Application is made by the deceased's widow on behalf of herself and four children, born respectively on March 26, 1970, January 9, 1972, August 26, 1977 and July 12, 1978. Deceased was employed as a real estate sales person at the time of his death. AWARD: Funeral and related costs -- $1,926,00; loss of pecuniary benefit to widow -- $1,672.21 per month and continuing until her death or remarriage; to the children -- $6,250.00 lump sum payable to each of two of the children, to be paid, in trust, to the victim to administer on their behalf, $250.00 per month payable to the remaining two children until they reach the age of 18 years and continuing thereafter but only if child in regular attendance at academic, technical or vocational school until attaining age 21.

892749 A 51-year-old male was beaten and robbed by several men on a street in Vancouver, B.C. Offenders responsible for the incident have not been identified or apprehended. Victim required emergency hospital treatment for contusions of the face, back and knee, and dislocation of the shoulder. Subsequent treatment of injuries included orthopaedic surgery for the shoulder and physiotherapy. Victim is considered to have made full recovery but continues to have limited range of motion in the injured shoulder and experiences some discomfort in the injured knee. AWARD: $18,150.00 (clothing damage -- $150.00, pain and suffering, etc. -- $18,000.00).

892397 A 27-year-old-male was attacked and struck in the face without warning or provocation by a man wielding a beer mug in a bar in Victoria, B.C. The assailant was subsequently apprehended and charged with aggravated assault and a warrant for his arrest remains outstanding. Victim received hospital emergency treatment for multiple injuries including full-thickness lacerations of the chin, cheek, and bridge of the nose, and corneo-scleral laceration penetrating the globe of the left eye. Victim was placed under general anesthesia for further observation and treatment of the left globe injury and was released from hospital five days later. Victim is considered to have recovered from his injuries but is left with permanent damage to the left eye and reduced vision. Some residual facial scarring remains. AWARD: $25,084.83 (ambulance cost -- $37.00, drug expense -- $47.83, pain and suffering, etc. -- $25,000).

892771 A 19-year-old female was attacked, threatened with a knife, and sexually assaulted by a male person near a parkade in Vancouver, B.C. Claimant admitted she was working as a prostitute at the time she first encountered the suspect. Evidence suggests the offender initially approached the victim in this capacity. The attacker has not since been identified or apprehended. Victim required conservative hospital emergency treatment for contusions of the left eye and throat and a state of anxiety. Victim is now considered fully recovered. Circumstances of the incident result in the conclusion that the victim, in her capacity as a working prostitute, may have contributed to the circumstances of the attack. AWARD: $2,400.00 (pain and suffering, etc.).

892591 A 29-year old male was unexpectedly struck by another man and fell to the ground, striking his head on the asphalt outside a pub in Armstrong, B.C. Claimant was apparently trying to intervene in a physical conflict involving a male friend and the assailant. Culprit was subsequently charged with assault but acquitted due to lack of evidence. Victim required hospital emergency treatment for a basal skull fracture. Further examination showed evidence of air and blood around the ear. Victim was discharged from hospital after five days but indicates he continues to suffer from headaches, irritability, loss of interest, fatigue and loss of sense of smell. AWARD: $15,162.85 (ambulance cost -- $102.85, transportation expense -- $60.00, pain and suffering, etc. -- $15,000).

891526 A 63-year-old male sustained leg injuries while assisting in the apprehension of an apparently intoxicated young male intruder on the grounds of U.B.C. in Vancouver, B.C. Culprit was ultimately apprehended by police. Claimant received hospital emergency treatment for an incomplete tear of the right gastrocnemius/soleus/Achilles tendon complex. Victim's injured foot and leg were immobilized in a plaster cast and an overnight hospital stay was required, followed by considerable period of ongoing physiotherapy. Victim has since fully recovered without disability. AWARD: $6,500.00 (pain and suffering, etc.).

EXAMPLES OF DISALLOWED CLAIMS

90204 A 28-year-old male alleges he was slashed in the throat during an altercation with another male at a residence in Chase, B.C. Both parties were apparently severely intoxicated at the time of the incident. Victim was either unwilling or unable to identify his assailant and was also reluctant to cooperate with police. Charges against the person believed to be responsible were subsequently dismissed. It is considered that the claimant, given his intoxication and involvement in the altercation, contributed towards his injuries to a sufficient degree so as to disentitle him to any award of compensation.

892161 A 16-year-old female was allegedly sexually assaulted by four males in the area of Kelowna, B.C. No criminal charges have been laid and investigation reveals insufficient evidence upon which to base the charges. Claimant repeatedly made changes to her story regarding the incident, and medical evidence following a hospital examination did not support claimant's story. Eyewitnesses report claimant consumed an amount of alcohol and drug to the point of intoxication and there is evidence claimant may have consented to participation in the sexual activity. No award was granted as there was insufficient basis from which to conclude claimant is a victim of crime under the Act. She is also considered to have contributed to her injuries by her own behaviour.

90333 A 21-year-old female alleges she was sexually abused by a male over a period of years in Nanaimo, B.C. No criminal charges have been laid in connection with the allegations and there is little or no independent information to support the claim. Claimant has given a number of different versions of the alleged incidents and has also made false complaints to police in the past concerning alleged sexual assaults, one of which led to claimant's conviction of mischief. Claimant's credibility regarding her present allegations are open to question. No award was granted as there was no evidence that a crime was committed with respect to this incident.

89167 A 19-year-old female alleges she was sexually assaulted and abused on one or more occasions by a male in Maple Ridge, B.C. No charges have been laid in connection with the alleged offences and police investigation has determined that no incidents of sexual abuse involving suspect named by claimant have occurred. According to police, claimant is not considered to be a credible witness with respect to these allegations. No award was granted as there was insufficient basis from which to conclude that claimant is a victim of crime.

90535 A 16-year-old female alleges she was attacked and repeatedly sexually assaulted at knife-point by a male at a party at a private residence in Courtenay, B.C. Criminal charges have not been laid in connection with the alleged incident and according to police, claimant is not considered to be a credible witness. Her story contains many inconsistencies and she is reluctant to fully cooperate with police, withholding information and admitting she does not wish to involve friends in the investigation. No award is made as there was no evidence to conclude claimant was a victim of crime under the Act.

892957 A 33-year-old female sustained a stab wound to her left lower chest during an alleged altercation with another female on a street in Vancouver, B.C. Culprit was subsequently charged with robbery but charge was dismissed following criminal trial. The stabbing was apparently related to a drug deal in which the accused failed to deliver drugs purchased by the claimant. When claimant confronted the accused, an altercation apparently ensued and claimant was allegedly injured. According to the accused, the claimant in fact arrived at the accused's apartment already suffering from a stab wound, apparently inflicted by claimant's boyfriend. Given that no criminal conviction occurred and claimant is considered to have contributed to her injuries by her own behaviour, no award was made. There is also considered to be a lack of clear evidence to conclude claimant is a victim of crime.

90645 A 34-year-old male allegedly sustained facial injuries when he was involved in an altercation with another male at a SkyTrain station in New Westminster, B.C. No criminal charges were laid after police investigation revealed claimant was actually the aggressive party in the altercation. The incident apparently occurred when claimant accused the other man of tripping his wife. Although second male denied any intentional action, claimant resorted to physical force and was subsequently injured. In this case, it was found that the claimant initiated the physical altercation and there was lack of evidence to suggest claimant was a victim of crime, which disentitles the claimant to any amount of compensation.

891468 A 39-year-old male alleges he sustained a fractured nose and facial injuries in an altercation with another male at a private residence in Coquitlam, B.C. Both parties were evidently under the influence of alcohol at the time a confrontation apparently erupted over a family matter. Assailant was taken to jail but claimant then made threats on the assailant's life to police. Claimant was subsequently arrested and sentenced to six months imprisonment for threatening to cause death and possession of a weapon. Given that no criminal charges proceeded against claimant's alleged assailant and that claimant's conduct is considered to have contributed to his injuries, no award was granted.

892845 A male claimant alleges he was assaulted by another male in front of a hotel in Vancouver, B.C. Claim was initially disallowed but subsequently reviewed at an oral hearing. Claimant alleges he had been harassed by the assailant for several months prior to the incident, although acknowledges he made the initial physical contact on the day in question. Claimant also described numerous unrelated incidents in which others have attempted to cause him harm. No criminal charges were ever laid in connection with the incident as claimant believes police do not like him and conspire to harm him. He also described the alleged offender as Japanese and did not wish to "hurt the tourist industry". Claimant's family physician reports claimant is schizophrenic and frequently exhibits paranoid behaviour. No award was granted as claimant was considered to have contributed to his own injuries by initiating physical contact with the male person. There is insufficient evidence to conclude claimant was a victim of crime under the Act.

90517 A 27-year-old female alleged she sustained facial and other injuries in an altercation with her brother and his wife outside a restaurant and at a residence in Vancouver, B.C. No criminal charges have been laid in connection with the incident. Evidence indicates claimant and her brother had become involved in an argument at the restaurant, which led to the eviction of claimant and her family members. A second altercation then occurred when the claimant returned to her brother's residence to retrieve belongings. No award is granted as claimant is not considered to be a victim of crime under the Act. The incident appeared to involve a family dispute in which the claimant had been a voluntary and equal participant, indicating she contributed to her own injuries to a sufficient degree to disentitle her to any award.

891241 A 33-year-old female alleges she was sexually assaulted by a male chiropractor at his office in Vancouver, B.C. No criminal charges have been laid in connection with this incident. According to the chiropractor, there may have been a touching of the claimant's breast during normal treatment procedure and which may have occurred accidentally without intent of attaining sexual gratification. Investigation indicates claimant may have misunderstood the procedure and police report no indication of criminal intent. No award was granted as there was insufficient evidence that the claimant is a victim of crime under the Act.

891027 A 47-year-old female alleged she was attacked and struck in the face by her boyfriend at their residence in Burnaby, B.C. Claimant did not report to police until approximately two months after the incident. She also failed to appear at the scheduled trial date and no criminal trial was held. Despite the incident, claimant continued to associate with her alleged assailant with whom she has evidently had numerous disagreements in the past. No award was granted as there was no evidence to suggest claimant is a victim of crime under the Act.

892754 A 24-year-old female was allegedly attacked and sexually assaulted in a hotel room in Burnaby, B.C. by a male acquaintance who was also her employer. Investigation indicates Crown Counsel refused to proceed with criminal charges in the matter as claimant had voluntarily "dated" the alleged offender on the evening in question and then agreed to spend the night in a hotel room with him. Evidence suggests the claimant had consented to much of the activity during the night in question and there is little or no independent information to support the claimant's story she was sexually assaulted. Claimant's own behaviour and association with alleged offender contributed toward the entire incident to such a degree as to disentitle her to compensation.

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